

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

22 DEC 1981

MEMORANDUM FOR: Arthur F. Van Cook
Chairman, National Military Information
Disclosure Policy Committee

SUBJECT : Annual Review of the National Disclosure Policy
(NDP-1) (NDPC Case No. 1014-81) (U)

REFERENCE : DCI Special Member's Memorandum to the Chairman,
Dated 16 November 1981, (NFAC-7397/81), Same
Subject


1. This is to confirm our concurrence in the revision of the NDP, as voted in the NDPC meeting on 10 December, and to underline our concerns regarding the inaccuracy of Section I. You recommended that a revision we had requested be deferred until National Security Decision Memorandum 119, on which the NDP is based, is updated. While we believe this is not necessary and results in the retention of misleading language, we concur in the interest of expediting the revision of the NDP. You indicated that the NSDM would be reviewed in the near future. Of course, we would like to be involved in that process.

2. Our concern is that the Section I paragraph dealing with limitations to the applicability of the NDP does not adequately describe the broad authorities and responsibilities of the DCI under law. Specifically, newly signed E.O. 12333, like its predecessor, stipulates that the DCI shall "formulate policies" (emphasis added) concerning foreign intelligence and counterintelligence arrangements with foreign governments" and "coordinate foreign intelligence and counterintelligence relationships" (emphasis added) between agencies of the intelligence community and the intelligence or internal security services of foreign governments.... Clearly, the DCI's functions related to intelligence release exceed in scope and level the function described in the NDP. We therefore recommended inserting a phrase referring to the broader mandate, as underlined below:

(U) Affect or modify any authority or responsibility vested in the Secretaries of State and Defense, the Department of Energy, and the Director of Central Intelligence (DCI) where they are permitted or required by law, Executive Order, or other Presidential authorization to formulate policies or make specified determinations concerning disclosures of classified military information to foreign recipients.

3. Users of NDP-1 should not be misled regarding intelligence foreign disclosure policy. They should be alerted to the broad policy role entrusted to the DCI regarding all foreign intelligence arrangements and releases. In view of E.O. 12333, that role is not limited as the present language suggests. Since the other policy principals mentioned in this paragraph may have certain responsibilities pertaining to foreign access to other categories of classified military information, insertion of the phrase as we have suggested will serve to protect their interests as well.

STAT



DCI Special Member, NDPC
National Foreign Assessment Center